

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DAREK LATHAN,

Plaintiff,

Case No. 3:19-CV-00147

vs.

HON. GEORGE CARAM STEEH

JAMES G. CARR, et al.,

Defendants.

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ORDER ACCEPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION [DOC. 30]

Plaintiff Darek Lathan, a pretrial detainee, filed this civil rights action against defendants U.S. District Court Judges James G. Carr, Jeffrey J. Helmick, and Jack Zouhary; U.S. Magistrate Judge James Knepp II; and Assistant United States Attorney Tracey Ballard Tangeman. Lathan sues these defendants in their individual capacities, seeking damages for false imprisonment and a violation of his rights under the Eighth and Fourteenth Amendments. Lathan's complaint alleges that following his indictment on firearm charges, defendants wrongfully caused his incarceration and denied him due process by failing to force ATF agents to turn over exculpatory evidence.

Defendants filed a motion to dismiss for lack of subject matter jurisdiction and failure to state a claim for which relief may be granted. The motion was referred to the magistrate judge for a report and recommendation. On August 19, 2019, Magistrate Judge Stafford issued a report and recommendation to grant defendants' motion to dismiss. On September 9, 2019, Latham filed a motion to dismiss the report and recommendation, which the court construes as timely objections to the report and recommendation. Defendants filed a response to the objections.

In the report and recommendation, plaintiff was notified that, pursuant to *Thomas v. Arn*, 474 U.S. 140, 155 (1985), his failure to file specific objections to the would constitute a waiver of his claims on appeal. “[O]bjections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). In this case, plaintiff fails to object to any of the issues raised by the defendants and addressed by the magistrate judge in her report and recommendation. Accordingly, the court finds that plaintiff has waived any objections to the report and recommendation. See *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

The court agrees with the analysis conducted by the magistrate judge, and therefore ACCEPTS her recommendation that plaintiff's complaint should be dismissed for lack of subject matter jurisdiction and in addition that his claims against defendants are barred by judicial immunity, prosecutorial immunity and absolute immunity. Now, therefore,

IT IS HEREBY ORDERED that defendants' motion to dismiss is GRANTED.

Dated: September 26, 2019

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE